

**Exemption No. 6710A**

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
RENTON, WASHINGTON 98055-4056**

In the matter of the petition of

**Schwartz Engineering Company**

for an exemption from §§ 21.183(f) and  
25.2(b) of Title 14 Code of Federal  
Regulations

**Regulatory Docket No. 29042**

**PARTIAL GRANT OF EXEMPTION**

By letter dated August 12, 1998, Mr. James A. Dugelby, Manager of Certifications, Schwartz Engineering Co. 11503 Jones Maltsberger, Suite 200, San Antonio, TX, requested resolution of temporary Exemption No. 6710, which was granted on December 18, 1997. That exemption permitted an interior arrangement that included exits further than sixty feet apart, contrary to the requirements of § 25.807(d)(7) (in effect on July 24, 1989) as incorporated by reference in § 25.2(b) of Title 14, Code of Federal Regulations (14 CFR). Exemption No. 6710 was granted on a temporary basis, to allow for a more thorough consideration of the issues, and in consideration that the FAA shared some responsibility in the need for and timing of the petition.

**The petitioner requests relief from the following regulation:**

Section 25.807(d) requires that the edge to edge distance between adjacent passenger emergency exits, on each side of the fuselage, be no greater than sixty feet.

**Related sections of the Federal Aviation Regulations (FAR):**

Section 25.2(b) requires compliance with § 25.807(d)(7) (in effect on July 24, 1989) for any modification to an airplane that was manufactured after October 16, 1987.

Section 21.183(f) requires compliance with § 25.807(d)(7) (in effect on July 24, 1989) for an airplane that was manufactured after October 16, 1987, in order for the airplane to be eligible for a standard certificate of airworthiness.

**The petitioner's supportive information is as follows:**

The original petition for exemption, dated September 30, 1997, summarized the petitioner's justification for a grant of exemption. No additional information with respect to justification has been submitted, as the FAA elected to make an interim ruling on the petition, rather than dispose of the petitioner's arguments in the form of a final grant or denial of exemption. Thus, the original petition is still considered valid. Some of the major points are summarized below.

"1. As shown in the attached floor plan, the center area of the aircraft, which would be impacted if the Exit-to-Exit rule were applied in the strictest sense, is a relatively open area approximately 36 feet in length containing only 16 passengers. There is no aisle flow rate complications in this area; the open floor plan permits rapid egress in either or both directions.

"2. The familiarity of the crew and passengers with the specific aircraft and its associated emergency equipment and exits is a significant factor in the safety of this operation.

"3. It is our opinion that even with the deactivation of the two exits noted above and the corresponding distance between exits resulting therefrom, the remaining emergency exits, distances, aisle flow rate capabilities, and the total number of passengers involved will result in, at a very minimum, an equivalent level of safety, if not an increased level of safety.

"IN THE PUBLIC INTEREST - The approval of this Petition for Exemption would demonstrate the FAA's willingness to deal with the issues involved with this Exemption, and would be in the Public Interest for the following reasons:

"1. There is no degradation of safety involved with this request and therefore no detrimental impact to the public at large; and

"2. Given the proliferation of Executive Configured Transport Category Aircraft currently taking place and anticipated in the near future, this type of exemption will enable US manufacturers of transport category aircraft to effectively compete in this expanding market; and

"3. Additional sales of US manufactured transport aircraft outside the traditional airline market can only serve to increase profitability of US airframe manufacturers, giving greater job stability to the workers employed by those manufacturers; and

"4. Greater stability of a work force as significant as the US aircraft manufacturers represent can only result in additional fuel to stabilize the economy of the US due to the normal household activity associated with stable workers; and

"5. Stability and improved financial performance of the US airframe manufacturers translates into increased orders and stability in numerous other supporting manufacturing organizations; and

“6. Increased sales of these executive configured transport aircraft will ultimately result in some portion of those aircraft being completed at US owned or operated Aircraft Completion Facilities, providing improved financial performance and work force stability for those organizations as well; and

“7. Improved financial performance of US owned or operated corporations, and increased work force stability translates into continued and improved tax revenues for all governmental organizations involved; and

“8. Improved financial performance allows US corporations to continue to invest in new R & D research which will allow the US to maintain or improve its competitive position in the world economy; and

“9. A large number of these types of sales can be predicted to be to ‘offshore’ clients, improving the US Balance of Trade Deficit significantly.”

For the reasons discussed in the following analysis/summary, the FAA finds, for good cause, that action on this petition, to the extent it involves a temporary exemption, should not be delayed by publication and comment procedures. As noted by the petitioner, a delay in acting on the petition would create a major economic burden on the petitioner and customer and would compound other delays that were not solely the fault of the petitioner.

**The FAA's analysis/summary is as follows:**

As noted in the temporary grant of Exemption (Exemption No. 6710), the FAA is concerned that granting an exemption such as this sets a significant precedent and affects future interpretations of this regulation. In order to properly address this issue, the FAA has been reviewing the background of the regulation and its relevance to private use operations. The FAA is considering this requirement as part of a larger effort concerning private use operations, with the ultimate objective of proposing alternative certification standards, if appropriate. With respect to the requirement that exits be no more than 60' apart, the FAA has not yet resolved all of the issues.

In this case, the exit to exit distances greater than 60' are formed by deactivation of one exit of two different pairs of exits. The resulting configuration is difficult to characterize, in terms of compensating features and interior arrangement considerations that would essentially maintain the level of safety intended by the regulation. The FAA expects that guidelines to deal with this situation will be developed in the near future, but they are not complete at this time. In addition, the impact of subsequent guidelines on the interior arrangement in question could result in a need to modify the design, which would require time.

The FAA is interested in bringing closure to this issue at the earliest possible date. However, in so doing, the FAA intends that any precedents created by a permanent grant or denial of exemption will have been fully identified and understood in advance. Therefore, since all of the

significant issues have not yet been resolved, the FAA will extend the expiration date of this exemption until June 1, 1999. In order to minimize the impact of the final decision on this matter to the operator, the FAA intends to issue that decision by March 1, 1999. While no further input from the petitioner is necessary in order for the FAA to issue its decision, the FAA will consider any additional facts or arguments that are submitted.

In consideration of the foregoing, I find that a temporary grant of exemption is in the public interest and will not significantly affect the level of safety provided by the regulations. Therefore, pursuant to the authority contained in 49 U.S.C. 40113 and 44701, delegated to me by the Administrator (14 CFR 11.53), Schwartz Engineering is hereby granted an exemption from the requirements of §§ 21.183(f) and 25.2(b) of the FAR to the extent necessary to permit type and airworthiness certification of a Boeing Model 757-200 airplane with adjacent exits further than 60' apart. This approval is subject to the following provisions:

1. This exemption does not apply to airplanes engaged in common carriage.
2. Passenger capacity cannot exceed 41.
3. Changes to the interior arrangement that result in a redistribution of passengers within the cabin require coordination with the Transport Airplane Directorate.
4. This exemption applies to greater than 60' exit to exit distances created by deactivation of the number 2 right and number 3 left exits.
5. This exemption expires on June 1, 1999.

Issued in Renton, Washington, on December 14, 1998.

/s/ Stewart R. Miller  
Stewart R. Miller  
Acting Manager  
Transport Airplane Directorate  
Aircraft Certification Service, ANM-100